

MONTGOMERY ROSS FISHER, INC. &
H. A. LEWIS, INC., A JOINT VENTURE

CONTRACT NO. V691C-1248H

VABCA No. 3715

VA MEDICAL CENTER
LOS ANGELES, CALIFORNIA

David W. Cornwell, Esq., Law Offices of David W. Cornwell, Torrance, California,
for the Appellant.

John Manfredonia, Esq., Trial Attorney, Office of General Counsel, Washington,
D.C., for the Department of Veterans Affairs. *William E. Thomas, Jr., Esq.*, Assistant
General Counsel; and *Phillipa L. Anderson, Esq.*, Deputy Assistant General Counsel, of
Counsel.

ORDER OF DISMISSAL (Without Prejudice)

1. On January 19, 1994, the Board suspended proceedings in this appeal until February 4, 1994, for the purpose of permitting the parties to pursue the resolution of this matter. In addition, the Board directed the parties to submit a Joint Status Report detailing their settlement efforts or providing a schedule for processing this appeal to hearing.
2. The parties filed their Joint Status Report on February 1, 1994, in which they indicate that they are actively pursuing exchanges of information and that they continue to anticipate mutual resolution of this appeal. However, the parties stated that they were unable to predict when such settlement could be expected.
3. Because the parties represent that they fully intend to mutually resolve this matter and they have no apparent current intention to pursue this matter to hearing, the Board has determined it is unable to proceed with the disposition of this appeal at this time.
4. In light of the foregoing, the appeal of Montgomery Ross Fisher, Inc. & H. A. Lewis, Inc., A Joint Venture, under Contract No. V691C-1248H, VABCA No. 3715 is hereby **DISMISSED** without prejudice, subject to restoration to the Board's docket in accordance with Board Rule 30. Unless either party or the Board acts within three years of the date of this Order to reinstate this appeal, as provided in Rule 30, this dismissal shall be deemed to be with prejudice without further notice from the Board.

IT IS SO ORDERED

DATE: **February 3, 1994**

RICHARD W. KREMPASKY
Administrative Judge